

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 11.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.3969 of 2012

R.Mahendrakumar

... Petitioner

Vs.

1.The Agricultural Production Commissioner
And Secretary to the Government of Tamilnadu
Agricultural Department,
Fort St. George, Chennai - 9.

2.The Director of Horticulture and Plantation Crops,
Agricultural Complex,
3rd Floor, Chepauk, Chennai.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondent preferably the 1st respondent to consider the petitioner's representation dated 14.02.2009, having been submitted for revising the regularization made on 28.01.2003 by the 1st respondent under reference G.O.Ms.No.29 Agriculture (AAV) Department from the date of the petitioner's original appointment on 26.06.1987 under 10(a)(i) of Tamilnadu Subordinate Service Rules and not as on 06.12.1991 as fixed, forthwith on merits and in accordance with law within a time frame as specified by this Court.

For Petitioner : Mr.S.Palanivelayutham

For Respondents : Mrs.K.Bhuvaneswari

Additional Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondent preferably the first respondent to consider the petitioner's representation dated 14.02.2009, having been submitted for revising the regularization made on 28.01.2003 by the first respondent under reference G.O.Ms.No.29 Agriculture (AAV) Department from the date of the petitioner's original appointment on 26.06.1987 under 10(a)(i) of Tamil Nadu Subordinate Service Rules and not as on 06.12.1991 as fixed, forthwith on merits and in accordance with law.

2.The petitioner was appointed as Horticulture Officer under Rule 10(a)(i) i.e., temporary appointment on 22.09.1988 by order dated 13.09.1988.

3.After some years, the petitioner along with other similarly placed persons were subjected to a special qualifying examination conducted by the Tamil Nadu Public Service Commission in the year 1995-1996, where, the petitioner participated and has become successful, pursuant to which, the petitioner has been permanently absorbed in the said post, but not from the date when he was initially engaged, but from the date where the selection made pursuant to the special qualifying examination conducted by the Service Commission. Aggrieved over the same, he had given a representation to the respondents on 14.02.2009 and the said representation since has not been considered, he has filed this writ petition with the aforesaid prayer.

4.Heard Mr.S.Palanivelayutham, learned counsel appearing for the petitioner, who has reiterated the same and seeks indulgence of this Court and heard Mrs.K.Bhuvaneswari, learned Additional Government Pleader appearing for the respondents, who would submit that, the said representation dated 14.02.2009, if not already been considered, would be considered and it will be disposed of within a time frame that may be stipulated by this Court.

5.Having considered the said submission made by the learned Additional Government Pleader appearing for the respondents and taking into account the innocuous nature of the prayer sought for in this writ petition, this Court is inclined to dispose of this writ petition with the following orders.

That the respondents, especially the first respondent is hereby directed to consider the representation of the petitioner dated 14.02.2009, if not already been considered and disposed of, and decide the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.With this direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Sgl

To

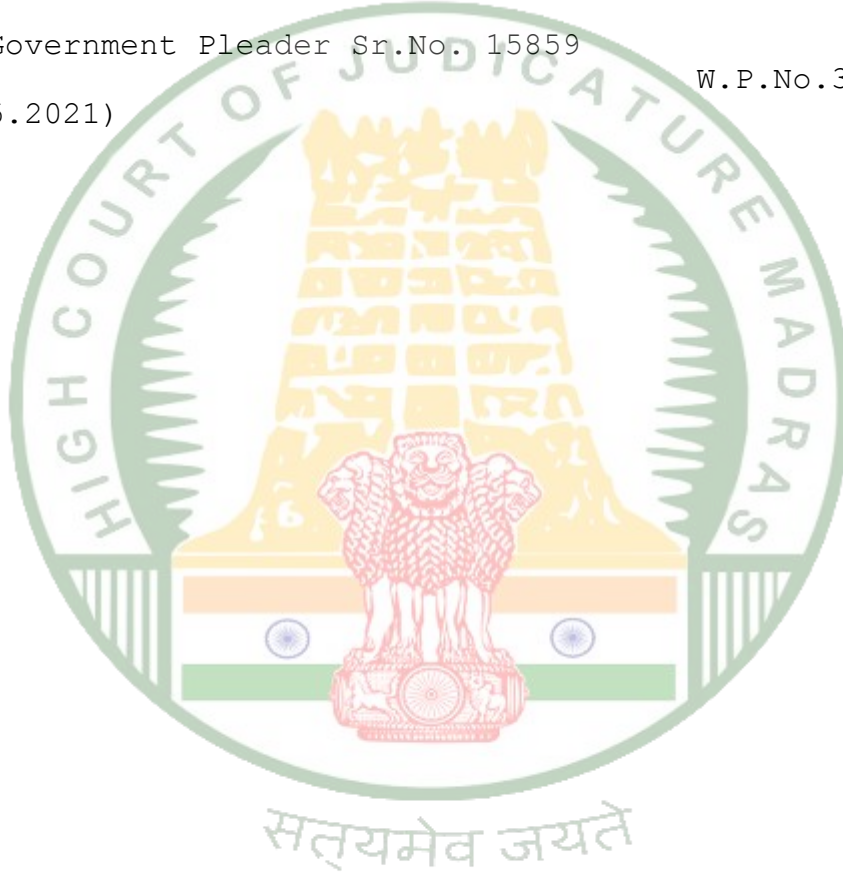
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+1 cc to Government Pleader Sr.No. 15859

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A.SK(18.05.2021)



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